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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,200	01/27/2006	Rainer Schenk	188.606	3667
90948	7590	02/23/2010		
Charles Muscerlain 317 Bliss Lane Valley Cottage, NY 10989			EXAMINER WATTS, ALAN B	
			ART UNIT 3656	PAPER NUMBER
			MAIL DATE 02/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,200

Applicant(s)

SCHENK ET AL.

Examiner

ALAN B. WAITS

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5, 6, 8-10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the centrifugal force acting at the center of mass initiates a force component acting in clockwise direction". It appears that in Applicant's argument in response to this that applicant is implying that the clockwise direction is not the same direction of rotation as the bearing rotates, but in a direction that is transverse to the axis of rotation of the bearing. If this is the case, Applicant should amend the claim to clearly include a frame of reference from which clockwise is measured. If not, it is still unclear how a centrifugal force can initiate a force in a clockwise direction.

Claim 1 recites the limitation "a wall" three times. It is unclear if these are the same walls or two separate wall elements.

Claim 5 recites the limitations "the end face" and "the mounting position". There is a lack of antecedent basis for these limitations in the claim.

Claim 8 recites the limitation "the diameter" twice. There is a lack of antecedent basis for these limitations in the claim. It is also unclear if they are the same diameter or different diameters.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 6, 8-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohata et al. USP 7416343.

Ohata discloses a similar device comprising:

Re clm 1:

- An elastic sealing disk (49b, fig 5) running around with an outer bearing ring or a housing (40, fig 2), having a reinforcement (48, fig 5) and positionally fixed with positive engagement in a receptacle or an annular groove (51, fig 2)
- The sealing disk engaging with a flexible seal in a recess (66, fig 5) of an inner bearing ring (42, fig 5) and being support by means of a sealing edge (64, fig 5) on a wall (60, fig 5)
- A first sealing lip (52a and 64, fig 5) is supported axially on a wall of the recess and a second sealing lip (65, fig 5) is assigned to a wall of the recess with play

- A mass of the first sealing lip forming a center of mass (64, fig 5), which, in a fitted position of the sealing arrangement, is offset in relation to a supporting line determined by the sealing disk in such a way that the centrifugal force acting at the center of mass initiates a force component acting in clockwise direction
- The first and second sealing lips being made to extend from a common sealing lip root of the sealing disk (49b, fig 5)
- The first sealing lip has on the outside, on a side facing the second sealing lip, a bead (back end portion of 64, fig 5)

Re clm 2:

- A shoulder diameter of the inner bearing ring exceeds an inside diameter of a second sealing lip (fig 5)

Re clm 3:

- A distance between the inner wall of the recess and a free end of the second sealing lip is designed so that, even with a maximum rotational speed of the rolling-contact bearing, it ensures a distance > 0 (fig 5)

Re clm 5:

- The sealing lip is arranged in an axial offset to the end face of the sealing disk in the mounting position (fig 5)

Re clm 6:

- The second sealing lip, obliquely inclined in relation to the inner wall and designed as a toe wall, is arranged axially offset in relation to the first sealing lip by a distance (fig 5)

Re clm 8:

- The recess of the bearing ring has walls of different heights
- The straightened to the rolling elements and showing the diameter excels and opposite wall showing the diameter as well as an inside diameter of the second sealing lip (fig 5)

Re clm 9:

- The first sealing lip being provided with at least one venting groove (tip of 64, fig 5) in a region of the sealing edge

Re clm 10:

- The venting groove of which is made to extend in a radial or inclined manner (fig 5)

Re clm 14:

- The reinforcement, formed in the manner of a disk, of the sealing disk being encapsulated at least on one side by an elastic sealing material of the sealing arrangement and the reinforcement forming on the outside of an angled-away flange (corner near 49, fig 2) and on the inside a leg (46b, fig 2) inclined obliquely in the direction of the recess

Response to Arguments

3. Applicant's arguments filed 12/10/2009 have been fully considered but they are not persuasive.

Applicant's response to the argument regarding a clockwise force lacks a frame of reference to make the argument clear. See 112, second paragraph, rejection above.

Applicant argues that Ohata does not anticipate or render obvious Applicant's application which refers to a sealing for a bearing with a preliminary tension dependent on speed or support of the sealing lip. Applicant is arguing limitations not found in the claims.

Applicant also argues that Ohata does not show a suitable mounting position and sealing lip construction similar to Applicants. The examiner disagrees. The Ohata reference meets all the limitations of the claims and therefore anticipates the claims.

The examiner further notes that the centrifugal forces acting on fig 5 would produce clockwise forces on elements of fig 5. See col 6 ln 61-col 7 ln 2.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan B Waits/
Examiner, Art Unit 3656

Application/Control Number: 10/566,200

Page 8

Art Unit: 3656

/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3656